

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, FEBRUARY 3, 2016  
5:30 P.M.  
CITY HALL  
9101 BONITA BEACH ROAD  
BONITA SPRINGS, FLORIDA 34135  
MINUTES

I. CALL TO ORDER:

Mayor Ben Nelson called the meeting to order at 5:30 P.M.

II. INVOCATION:

Pastor Russ Winn, with Springs Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

Mayor Ben Nelson led in the Pledge of Allegiance.

IV. ROLL CALL

**PER RULE 1.12 QUORUM OF THE ADMINISTRATIVE CODE GOVERNING THE RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS, WHICH, PURSUANT TO AGO'S 2002-82 AND 2003-41, STATES A COUNCIL MEMBER MAY PARTICIPATE AND VOTE ON MATTERS BY ELECTRONIC MEANS, INCLUDING BY TELEPHONE (OR THROUGH THE INTERNET) AMPLIFIED THROUGH THE MEETING ROOM AND ABLE TO BE HEARD BY THE RECORDING SECRETARY WHEN THERE IS A FINDING BY COUNCIL OF EXTRAORDINARY CIRCUMSTANCES. STEVE SLACHTA REQUESTS TO PARTICIPATE AND VOTE VIA TELEPHONE.**

PRESENT:

Mayor Ben Nelson  
Council Member Mike Gibson, arrived at 5:32 P.M.  
Council Member Steve McIntosh  
Council Member Steve Slachta, participated and voted via telephone  
Council Member Peter Simmons  
Council Member Bill Lonkart

ABSENT:

Council Member Janet Martin

Council Member Peter Simmons entered a motion finding of extraordinary circumstance, to allow Council Member Steve Slachta to participate via telephone; Council Member Steve McIntosh seconded; and the motion carried unanimously.

V. HOLD THE PUBLIC HEARING TO CONSIDER ADOPTION OF THE FOLLOWING ZONING RESOLUTION (COMMENTS ARE LIMITED TO PARTICIPANTS OF THE ZONING BOARD MEETING OF JANUARY 19, 2016):

A. A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A VARIANCE REQUEST AT 27699 DORTCH AVENUE, FROM LDC §4-489 TO ALLOW UP

TO A 0.6' (74.65') REDUCTION FROM THE 75' MINIMUM LOT WIDTH REQUIREMENT FOR THE CONSTRUCTION OF A DUPLEX STRUCTURE IN THE TWO-FAMILY CONSERVATION (TFC-2) RESIDENTIAL DISTRICT, ON .25 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

5:35:08 pm Council Member McIntosh motioned approval of the Zoning Ordinance; Council Member Peter seconded.

5:39:38 pm Rick Steinmeyer voiced his support for the request.

The motion carried unanimously. **ADOPTED ZONING RESOLUTION NO. 16-01**

6:32:10 PM COMMENT ALLOWED)

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; AMENDING THE MODERATE DENSITY MIXED-USE/PLANNED DEVELOPMENT FUTURE LAND USE CLASSIFICATION OF THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, FURTHER AMENDING THE FUTURE LAND USE MAP FOR THAT EXPEDITED STATE REVIEW COMPREHENSIVE PLAN AMENDMENT KNOWN AS RAPTOR BAY / PELICAN LANDING RPD/CPD, WHICH IS LOCATED IN SECTIONS 5, 6, 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, TO REDESIGNATE APPROXIMATELY 55.16 ± ACRES OF LAND FROM LEE COUNTY OUTLYING SUBURBAN AND WETLANDS TO MODERATE DENSITY MIXED-USE/PLANNED DEVELOPMENT (55.16± ACRES), AND PROVIDING FOR AN EFFECTIVE DATE.

5:40:01 PM City Attorney Audrey Vance introduced this item, informing Council that she has reviewed the Affidavit of Publication and found it to be legally sufficient. She next read the title block of the Ordinance into the record.

5:41:31 PM Jackie Genson, Community Development, presented a PowerPoint presentation (copy in Clerk's file) to furnish an overview of the three requests today – the Comprehensive Plan Amendment, the Zoning Amendment, and the DRI Amendment. Staff did recommend adoption in accordance with State Statutes.

6:02:43 PM Attorney Neale Montgomery, representing WCI, also furnished a PowerPoint presentation (copy in Clerk's file). She agrees with Staff's presentation. Here for a map amendment and text amendment, both of which were agreed to in the Annexation Agreement. Also present on behalf of the Applicant to address the request were Keith Bass, President and CEO of WCI Communities; a representative of David Plummer and Associates; Tim Durham, Environmental Consultant with Passarella and Associates; and Wayne Arnold, with Q. Grady Minor and Associates.

#### PUBLIC COMMENTS:

6:50:48 PM Attorney Ralf Brookes began by furnishing his experience, and explained that he was here to represent "Residents for a Better Community, Inc.," a non-for-profit corporation. He also represents Robert Loose and Barbara Craig, both residents of the City of Bonita Springs. Also in attendance to address the request was Dan Trescott, with Trescott Planning Solutions. After furnishing his presentation, he explained that they were here to ask that Council deny the request.

7:47:06 PM The following spoke opposed to the Amendment: Diane Ketchum, Robert Loose, Barbara Craig, Anne Cramer, Jerry Master, Ben Korbly, Jesse Purdon, Vickie Olson, Fred Forbes, Jean Quomo, Chris Olney (PowerPoint), Annette Miller, Mike Snyder, Ernie Parkes, Enis Ogle, Alan Burgenhan, Amy Quaremba, Keith

Campbell, Terrance Diggindorf, Richard Ferreira, Jack Guerin, Rick Steinmeyer, Donald Morengello, Jimmy Weeks, Susan Chamberlin, Judy Nayhart, Ron Pure, Martha Simons.

[9:34:31 PM](#) Linda Shelly addressed the CHHA, and represents WCI. Mike Delate, also representing the Applicants, spoke.

[9:39:44 PM](#) Ms. Genson and City Attorney Vance both provided rebuttal. City Manager Carl Schwing also addressed the City of Estero. Discussion ensued.

[9:56:38 PM](#) Council Member Peter Simmons to deny; Council Member Steve McIntosh seconded; and the motion passed 4-1 (Mayor Nelson dissenting; Council Member Slachta not participating)

VII. SECOND READING OF THE FOLLOWING ZONING ORDINANCE (PUBLIC COMMENT LIMITED TO PARTICIPANTS OF THE ZONING BOARD HEARING) (THE COMPLETE ZONING PACKET IS AVAILABLE ON THE CITY'S WEBSITE AND AT THE OFFICE OF THE CITY CLERK)

A. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY PELICAN LANDING GOLF RESORT VENTURES, LP, TO AMEND LEE COUNTY ZONING RESOLUTION NO. 94-014, PELICAN LANDING RESIDENTIAL PLANNED DEVELOPMENT (RPD)/COMMERCIAL PLANNED DEVELOPMENT (CPD), TO (1) REZONE 20+/- ACRES FROM THE KERSEY SMOOT RPD TO THE PELICAN LANDING CPD/RPD; (2) TO CREATE "F1" IN THE RPD LAND DEVELOPMENT AREA; AND (3) TO AMEND DEVIATION 12 FOR "F1" IN RPD LAND DEVELOPMENT AREA, ON LAND LOCATED WITHIN THE PELICAN LANDING GOLF RESORT (A/K/A RAPTOR BAY) AT THE NORTHWEST INTERSECTION OF COCONUT POINT RESORT DRIVE AND COCONUT ROAD, BONITA SPRINGS, FL 34134, ON 20 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

[10:09:29 pm](#) City Attorney Vance addressed process and read the title block of the Zoning Ordinance into the record.

[10:14:21 pm](#) Attorney Neale Montgomery, representing the Applicant, next furnished a PowerPoint presentation to address the request. The Applicant's Traffic Consultant furnished a PowerPoint presentation (copy in Clerk's file).

[10:31:30 PM](#) Wayne Arnold addressed the CPD/RPD portions of the site via a PowerPoint presentation

[10:49:17 PM](#) John Dulmer, Community Development suggested remanding the case back to the Zoning Board. Attorney Montgomery stated that there is no basis under the Lee Plan for denial or to remand the case.

**PARTIES OF RECORD:**

Rick Steinmeyer, Dianne Ketcham, Anne Cramer, Amy Quaremba, all addressed comments they made at the Zoning Board meeting. Attorney Brooks addressed the City regulations as it relates to public comments, which he feels are unconstitutional. Attorney Brooks spoke on behalf of Bernie Cramer and suggested that this be remanded back to the Zoning Board as suggested by City Staff, and that Council deny the Deviation 12 amendment.

[11:16:57 PM](#) City Attorney Vance addressed Attorney's Brook's question regarding Mr. Trescott.

[11:19:55 PM](#) Mr. Trescott again addressed his PowerPoint presentation and the Comprehensive Plan Amendment case. Attorney Montgomery asked that Mr. Trescott's testimony be stricken.

[11:27:37 PM](#) Martha Simons addressed a public records request, maps, etc.

[11:31:31 PM](#) Barbara Craig feels unfair she could not speak today.

[11:31:57 PM](#) Council Member Mike Gibson motioned to remand the case back to the Zoning Board; Council Member Simmons seconded; and the motion carried unanimously.

VIII. PUBLIC COMMENT ON AGENDA ITEMS:

[11:41:03 PM](#) Rick Steinmeyer commented on the Consent Agenda items, all of which he approves.

IX. PROCLAMATIONS AND PRESENTATIONS:

X. CONSENT AGENDA: (NOTE: ITEMS ON THE CONSENT AGENDA WILL BE CONSIDERED AS ONE UNLESS A SPECIFIC ITEM IS REMOVED BY A COUNCIL MEMBER FOR SEPARATE DISCUSSION.)

Council Member McIntosh motioned to approve the Consent Agenda; Council Member Gibson seconded; and the motion carried unanimously.

- A. REQUEST APPROVAL FOR THE CITY WIDE CLEAN-UP SCHEDULED FOR FEBRUARY 27, 2016 AT 10520 REYNOLDS STREET. (GREENSHEET NO. 16-02-0028)
- B. REQUEST APPROVAL OF A SPECIAL EVENT PERMIT AND TEMPORARY ROAD CLOSURE FOR "MOVIES IN THE PARK" SERIES AT RIVERSIDE PARK. (GREENSHEET NO. 16-02-0029)
- C. APPROVE SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE AMERICAN LEGION POST 303 "SONS OF THE AMERICAN LEGION HORSESHOE TOURNAMENT" ON SUNDAY, MARCH 6, 2016 FROM 12:00 P.M. TO 6:00 P.M. AT 27678 IMPERIAL SHORES BLVD., BONITA SPRINGS, FLORIDA. (GREENSHEET NO. 16-02-0026)

XI. PUBLIC COMMENT:

[11:42:12 PM](#) Kathy McGrath addressed upcoming events scheduled by Bonita Springs Utilities. She also addressed the City Election and commented on the high school

[11:44:39 pm](#) Rick Steinmeyer reminded everyone of this Friday's ribbon cutting at Riverside Park.

[11:45:21 pm](#) Martha Simons thanked City Council and reminded everyone of the Blue Grass Festival this weekend at the Lion's Club.

XII. CITY ATTORNEY'S REPORT:

- A. ACCEPT, REJECT, OR MODIFY THE SPECIAL MAGISTRATES' ORDER AND RECOMMENDATIONS IN REGARD TO CARDOME, LLC V. CITY OF BONITA SPRINGS. ANY REJECTION OR MODIFICATION WILL REQUIRE ADOPTING A WRITTEN DECISION TO BE PROVIDED BACK TO CITY COUNCIL BEFORE RENDERING AS A FINAL DECISION. (GREENSHEET NO. 16-02-0021)

7:35:20 PM Deferred to March 2, 2016.

- B. MODIFY THE PELICAN LANDING RPD/CPD DRI DEVELOPMENT ORDER (MAP H), CONSISTENT WITH LDC 4-131 AND FLORIDA STATUTES §380.06 (19)(E)(2). MAP H WILL RE-DESIGNATE A PORTION OF THE PROPERTY NORTH OF COCONUT ROAD FROM GOLF COURSE TO GOLF COURSE/RESIDENTIAL. THIS ACTION DOES NOT ADD ANY ADDITIONAL DWELLING UNITS TO THE DRI. THE INDIGENOUS VEGETATION ON THE SITE IS NOT IMPACTED (MANGROVES REMAIN THE SAME). THE DESIGNATION OF THIS PORTION OF THE PROJECT WILL HAVE NO IMPACT ON REQUIRED PRESERVATION OR OPEN SPACE WITHIN THE DRI. (GREENSHEET NO. 16-02-0025)

11:39:29 PM Pulled to allow it to be handled concurrently with the zoning case.

XIII. CITY MANAGER'S REPORT:

XIV. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS:

XV. APPROVAL OF MINUTES: 01/20/16

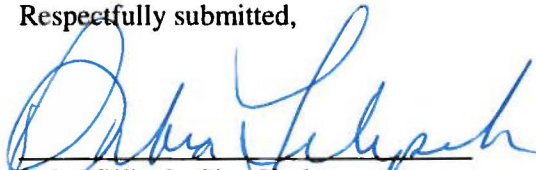
11:46:18 PM Council Member McIntosh motioned approval of the Minutes; Council Member Simmons seconded; and the motion carried unanimously.

XVI. PUBLIC COMMENT:

XVII. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 11:47 P.M.

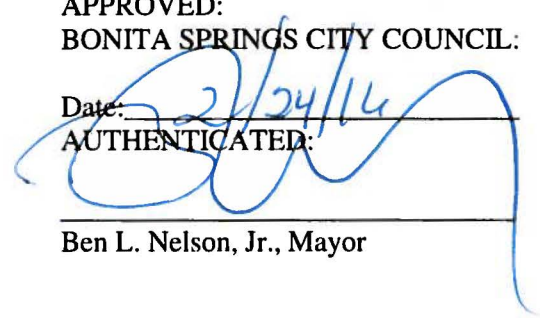
Respectfully submitted,



Debra Filipek, City Clerk

APPROVED:  
BONITA SPRINGS CITY COUNCIL:

Date: 2/24/16  
AUTHENTICATED:



Ben L. Nelson, Jr., Mayor